

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONELL HART,

Plaintiff,

v.

TRAVELERS, INC.,

Defendant.

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CIVIL ACTION NO. 5:19-CV-00073-RWS

ORDER

The above-entitled and numbered civil action was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. On July 9, 2019, the Magistrate Judge issued a Report and Recommendation, recommending Plaintiff's above-entitled and numbered cause of action be dismissed without prejudice. Docket No. 5.

Plaintiff received a copy of the Magistrate Judge's Report but filed no objections thereto;¹ accordingly, he is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

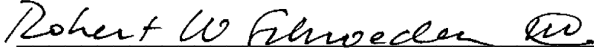
Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge that Plaintiff's case should be dismissed without prejudice for lack of jurisdiction. *See United States v. Raddatz*, 447 U.S.

¹ The Clerk of the Court forwarded a copy of the Report and Recommendation to Plaintiff, via certified mail. Plaintiff acknowledged receipt on July 18, 2019. Docket No. 6. The Court notes Plaintiff filed a separate diversity cause of action against Jeffrey Maxwell on June 28, 2019, presumably regarding the incident vaguely referenced in the above case against Travelers Inc. *See* No. 5:19-cv-00087-RWS-CMC.

667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’ ”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Plaintiff’s above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 18th day of September, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE